

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEN HUR MOVING & STORAGE, INC.,

Plaintiff,

- against-

THE BETTER BUSINESS BUREAU OF
METROPOLITAN NEW YORK INCORPORATED,
THE BETTER BUSINESS BUREAU, INC., d/b/a
THE BETTER BUSINESS BUREAU SERVING
METROPOLITAN NEW YORK, d/b/a BBB OF
METROPOLITAN NEW YORK, INC. a/k/a BBB,
a/k/a BETTER BUSINESS BUREAU, a/k/a THE
BETTER BUSINESS BUREAU OF THE
STATE OF NEW YORK, INC.,

Defendants.
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08 Civ. 6572 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law of Defendant, The Better Business Bureau of Metropolitan New York Inc., in Support of its Motion To Dismiss, and upon all prior pleadings and proceedings herein, the undersigned will cross-move this Court before the Honorable John G. Koeltl, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12B, New York, New York 10007, on the 12th day of September 2008 at 4:30 p.m., for an order dismissing the Complaint with prejudice, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's scheduling order for plaintiff's motion for a preliminary injunction, any response in opposition to this cross-motion shall be served on or before August 29, 2008, and Defendant's reply shall be served on or before September 5, 2008.

Dated: August 8, 2008
New York, New York

Respectfully submitted,

WINSTON & STRAWN LLP

/s/
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The Better Business Bureau
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